

File NR S2-29882
WR Doc ID 2147158

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
8/31/1999

WATER RIGHT NUMBER
S2-29882

MAILING ADDRESS
BRUCE GIDDENS
CLALLAM CNTY PARKS, FAIR, AND FACILITES
DEPARTMENT
223 E FOURTH ST STE 7
PORT ANGELES WA 98362

SITE ADDRESS (IF DIFFERENT)
1452 CAMP DAVID JR RD
PORT ANGELES WA 98363

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE
0.05

UNITS
CFS

ANNUAL QUANTITY (AF/YR)
5.5

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON- ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Domestic multiple	0.05		CFS	5.5		01/01 - 12/31

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
0	0	10837E	

Source Location

COUNTY	WATERBODY	TRIBUTARY TO					WATER RESOURCE INVENTORY AREA	
CLALLAM	SANDBORN/COLE CREEK	LAKE CRESCENT					19-LYRE-HOKO	
SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Sandborn/Cole Creek	093019	N/A	30N	09W	19	NW NE	48.07758	-123.91698
							Datum: NAD83/WGS84	

Place of Use (See Attached Map)**PARCELS (NOT LISTED FOR SERVICE AREAS)**

093019

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lots 9 and 10 of Elmer Day's Subdivision of lots 12 and 13 of Section 30 of Township 30 N, Range 9 WWM, together with the shorelands in front

Proposed Works

The Camp David Jr. diversion structure is in a shallow pond at the base of a small waterfall on Sanborn/Cole Creek about ¼ mile northwest of the camp. Water is directed by a flume through a mesh filter to a stainless steel chamber where the water supply line is located. Water flows by gravity through a 2-inch black plastic poly pipe to a service room in the same building as the restrooms. Water is circulated through a series of five filters then to a 4,500 gallon tank, then to a pressure tank which feeds the distribution system. The intake coming into the service room is metered.

Development Schedule**BEGIN PROJECT**

Started

COMPLETE PROJECT

Completed

PUT WATER TO FULL USE

October 1, 2018

Measurement of Water Use

How often must water use be measured?

Monthly

How often must water use data be reported to Ecology?

Upon Request by Ecology

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (gpm or cfs)

Provisions**Measurements, Monitoring, Metering and Reporting**

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Fish and Wildlife Requirement(s)

The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://wdfw.wa.gov/about/contact/>

Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use; wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S2-29882, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Olympia, Washington, this 19th day of February 2014.


 Michael J. Gallagher, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

INVESTIGATOR'S REPORT

Application for Water Right -- Clallam County Parks Board

Water Right Control Number S2-29882

Tammy Hall, Department of Ecology

BACKGROUND

On August 31, 1999 Michael Szatlocky representing Clallam County Parks Department filed *Water Right Application* S2-29882 requesting 0.05 cubic feet per second (cfs) and 7.0 acre-foot per year (ac-ft) from Sandborn/Cole Creek for domestic/public supply. This project is located in Water Resources Inventory Area 19, the Lyre-Hoko.

Attributes of Application

Table 1 Application Summary

<i>Name</i>	<i>Clallam County Parks Dept</i>
Priority Date	8/31/1999
Instantaneous Rate	0.05cfs
Annual Quantity	7 ac-ft per year
Purpose(s) of Use	Domestic Supply/stockwater
Period of Use	Continuous use
Place(s) of Use	Lots 9 and 10 of Elmer Day's Subdivison of lots 12 and 13 of Section 13 of Township 30 N, Range 9 WWM, together with the shorelands in front

Table 2 Proposed Point of Withdrawal

<i>Source Name</i>	<i>Parcel</i>	<i>Twp</i>	<i>Rng</i>	<i>Sec</i>	<i>QQ Q</i>	<i>Latitude</i>	<i>Longitude</i>
Sandborn/Cole Creek	093019	30N	9W	19	NW NE	48.07758	-123.91698

Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describes the process for obtaining water rights. Laws governing the water right permitting process are addressed in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, Ecology must make determinations on these four criteria in order to approve an application for water rights:

- Water must be available for appropriation.
- There must be no impairment of existing rights.
- The water use must be a beneficial use.
- Approving the application must not be detrimental to the public interest.

Public Notice

RCW 90.03.280 requires notice of a water right application to be published in a newspaper of general circulation in the county where the water is to be diverted and used. Public notice must be posted once a week for two consecutive weeks. Notice of this application was advertised on twice in *The Peninsula Daily News* of Clallam County. The first publication took place on December 21, 1999. The second public notice began on April 21 and ending April 28, 2013. Two letters of protest were filed based on the first public notice in 1999. Ecology received no protests or letters of concern in response to the second notice.

State Environmental Policy Act (SEPA)

A SEPA determination evaluates if a proposed withdrawal will cause significant adverse environmental impacts. A SEPA threshold determination is required for:

- 1) Surface water applications for more than 1 cubic feet per second (cfs). For agricultural irrigation, the threshold increases to 50 cfs, if the project isn't receiving public subsidies.
- 2) Groundwater applications requesting more than 2,250 gpm.
- 3) Projects with several water right applications where the combined withdrawals meet the conditions listed above.
- 4) Projects subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).
- 5) Applications that are part of several exempt actions that collectively trigger SEPA under WAC 197-11-305.

This application does not meet any of these conditions and is categorically exempt from SEPA. findings of fact concerning Water Right Application Number S2-29882.

INVESTIGATION

The material reviewed in support of this application included the following:

- The State Surface Water Codes, administrative rules, and policies.
- Department of Ecology's Water Right Tracking System (WRTS) database.
- Topographic and local area maps.
- Notes from a site visit on August 5, 2013.
- WRIA 19 Watershed planning documents.
- Recommendations from Steve Boessow (Washington Dept of Fish and Wildlife, WDFW).

Project Description and Proposed Use

The project is located in the Lyre-Hoko Water Resource Inventory Area (WRIA) 19.

Camp David Jr. is an outdoor recreation resident camp located on the north shore of Lake Crescent in Clallam County, near the lake's western tip. The lake, situated in western Clallam County, is nested in the Olympic Mountains. It is fed by numerous streams that drain the surrounding uplands. The lake's outlet is the Lyre River at the northern extent of the lake. Lyre River discharges to the Straits of Juan De Fuca roughly 8 miles west of Port Angeles.

Camp David Jr. is owned by Clallam County. It is about 8.75 acres in size and one of the oldest county parks in the state. The camp, the oldest development in the section, was originally a health spa in the very early 1900's. Anecdotal information suggests water use began around 1916. Ownership of the camp changed hands a number of times before it was taken for taxes by the County in the 1930's. The county has run it as an outdoor recreation camp since 1935.

The facilities include a main lodge/kitchen/dining room building, eight sleeping cabins, two restrooms, two staff cabins, two beach cabins, ranger residence, canoe shed, office, shop, and swimming area.

Until 2013 Camp David, Jr. operated 10 months during the year but recently operations have been reduced to 6 months because of County-wide budget reductions. The hope is that eventually the camp will return to operating 10-months a year. Camp David, Jr. water system is a Group B water system (ID10837E).

Water Demand

The Camp David Jr. water system serves a mix of workers, a live-in park ranger and daily visitors. The current dates of operation for the Camp are April 16th through October 15th of each year.

Water use is metered from where the distribution line enters the pump house, situated between the rest rooms, roughly 5,000 feet downstream of the diversion. Meter data from 2008 to 2012 (excluding 2009, meter data is not available), use ranges from 1.15 ac-ft in 2011 to 3.27 ac-ft in 2012. The camp is currently not operating at full capacity.

On a daily basis, the following population is served by the camp's water system (Polaris Engineering, 1999):

- One resident ranger from April 16 to October 15.
- One seasonal ranger from May 15 to September 15.
- A maximum of 100 overnight guests and an average daily population of 31 persons.

Water demand is calculated using the following assumptions:

- 360 gallons per day for the single family residence.
- 15 gallons per day per employee.
- 55.7 gallons per day per guest.

The peak daily demand at full occupancy is around 6,000 gallons per day. The peak hourly demand is 25 gpm, which is roughly 0.05 cfs. Annual demand is 5.5 ac-ft per year, based on a 10-month operation schedule.

Other Rights Appurtenant to the Place of Use

There are no water rights or claims appurtenant to the place of use under this application.

Based on the history of the camp, surface water for domestic supply was likely in use prior to the enactment of Chapter 90.03 RCW (Surface Water Code) in 1917. The camp has always operated with the presumption that they had a legal right to use the water. However, because a claim was not filed under RCW 90.14.041, the right to the water was forfeited.

The deed of sale from the previous owner specified real property and the surface water system on Sanborn/Cole Creek was to be transferred to the County. However, when Polaris Engineering & Surveying discovered that neither a pre-Code claim nor a water right certificate for the camp existed, this water right application was filed.

System Distribution Works

The Camp David Jr. diversion structure is in a shallow pond at the base of a small waterfall on Sanborn /Cole Creek about ¼ mile northwest of the camp. Water is directed by a flume through a mesh filter to a stainless steel chamber where the water supply line is located. Water flows by gravity through a 2-inch black plastic poly pipe to a service room in the same building as the restrooms. Water is circulated through a series of five filters then to a 4,500 gallon tank, then to a pressure tank which feeds the distribution system. The intake coming into the service room is metered.

Water Right Claim S2-146580CL and S2-101164CL (Bower) shares this diversion with Camp David Jr.

Water Availability

Sanborn /Cole Creek originates in Olympic National Park property north of Crescent Lake and flows year-round. The headwaters of the creek are roughly one mile north of the point of diversion in the Olympic Mountains. The creek flows southward and empties into Crescent Lake about ¾ mile downstream of the camp's diversion. The gradient of the stream is fairly steep, falling in elevation roughly 1,000 vertical feet in ¾ mile.

The day of the site visit, August 5, 2013, the creek was about 2 ½ to 3 feet wide and 6 inches to 1 foot deep.

Based on this information, water is physically available for use from this source.

Impairment Considerations

Effects to area water users

Ecology's WRTS database shows three Water Right Claims for use from Sandborn/Cole Creek. Two claims (Bower, S2-146580CL and S2-101164CL) appear to have overlapping places of use. The third claim, filed by John Foss, is for an adjacent parcel. The purpose of use for all three claims is domestic supply. The Foss claim also specifies stockwater use.

Neither the Bower nor the Foss claims should be impaired by water use at the camp. Use by the camp likely predates use under these claims and all have co-existed without detrimental effects to Sanborn/Cole Creek, Crescent Lake, or each other.

Fisheries and In-stream flow Considerations

Based on available literature and WDFW databases, there appears to be no fish concern for Sanborn /Cole Creek. However there is a unique, native rainbow trout stock only found in Crescent Lake. It spawns in the outlet, the Lyre River.

Although WRIA 19 watershed planning is stalled, there are instream flow recommendations for the Lyre River.

Crescent Lake and the surrounding area is fully within the boundary of Olympic National Park. Pursuant to Chapter 77.57.020 RCW, WDFW defers the formal recommendation to ONP. ONP states they have no concerns or objections regarding Ecology's approval of the subject application.

Beneficial Use

The proposed use of water for domestic supply is defined in statute as a beneficial use (RCW 90.54.020(1)).

Public Interest Considerations

Status of watershed planning

The Lyre-Hoko planning group completed a near-final draft watershed plan that includes instream flow recommendations, which were approved in November 2005 by a majority vote. Since that time, it has become apparent that details on data and water supplies may need refinement. Local and state planners continued working with the planning group through 2008 on a revised final draft. Public meetings were held in November 2008 and comments were received. Although there is interest in proceeding to Phase 4 after plan adoption, the plan has been shelved.

As such, there is no rule for WRIA 19. The Planning Group agreed to instream flow numbers and they plan to submit them to Ecology in their final plan. Ecology rule development will depend on availability of agency resources.

Availability of an alternative source

Ground water is not available as a source of water as the aquifer is in bedrock and wells produce little if any water. Public water is also not available. Surface water appears to be the only source of potable water.

The proposed appropriation is consistent with local planning and will not be detrimental to the public welfare.

Consideration of Protests and Comments

In response to first public notice of this application in 1999, the Department of Ecology received two protests.

One protest, filed by Richard Kott, is in the place of use for the Bower claims and has the same diversion works as the camp. The Kott's do not object to use by the camp as long as it does not interfere with their use of the water. As stated above, use from the camp is not expected to impact or impair water use associated with the Bower claims.

The second protest was filed by Thomas and Barbara Tinkham. They state they have an existing water right and are concerned with being impaired by use from the camp. A WRTS search shows their water right is in a different watershed (and different source) and won't be affected or impaired by use from the camp.

No protests were received in response to the second public notice in April 2013.

Conclusions

I find that:

- Water is available from Sanborn/Cole Creek.
- Domestic use is a beneficial use.
- The appropriation, as recommended, will not impair existing rights or in-stream flows.
- Approval of this application will not be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 0.05 cfs
- 5.5 acre-feet per year
- Group domestic supply purposes
- Year-round, as needed

Point of Diversion

- NW¼, NE¼, Section 19, Township 30 North, Range 9 W.W.M.

Place of Use

- Described on page 1 of this Report of Examination.


Tammy Hall

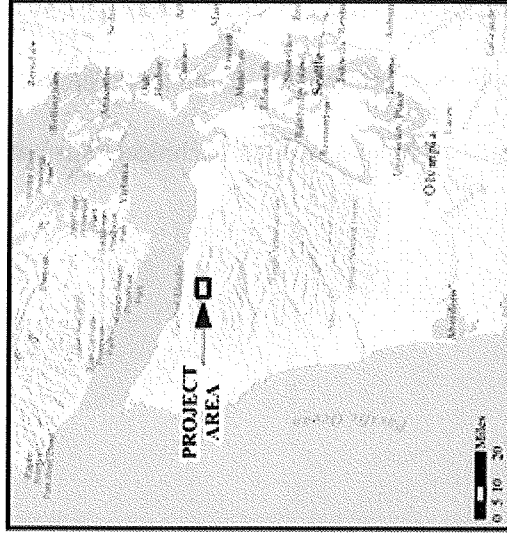
2/19/2014
Date

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Water Right Application S2-29882,
 Sec. 30, T. 30N/R. 09W, W.M.
 WRIA 19 - Clallam County



Basemap - Ecology 2011 1m, ESRI US Topo Map



Basemap - ESRI Terrain

Legend

- /// PLACE OF UNE (POU)
- ▲ POINT OF DIVERSION (POD)
- PARCEL
- STREAM
- ROAD
- SECTIONS

Comments:

The Washington State Department of Ecology does not warrant, guarantee, or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, or otherwise.

10/24/2017

References

Polaris Engineering & Surveying, Inc., 1999, Water System Analysis, Camp David Junior, July 22, 1999.

EES Consulting, Inc. 2005 , WRIA 19 Draft Watershed Plan, Chapter 2 Technical Information.